

FILED  
Clerk  
District Court

OCT 18 2007

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

1 **BARCINAS\_F.gar9a**

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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN MARIANA ISLANDS

10 UNITED STATES OF AMERICA, )

CIVIL CASE NO. 99-0024

11 Plaintiff, )

12 vs. )

13 FRANCISCA S. BARCINAS, )

**FINAL ORDER IN  
CONTINUING GARNISHMENT**

14 Defendant, )

15 COMMUNITY ALTERNATIVES )  
16 KENTUCKY, INC. )  
aka RESCARE, INC., )

17 Garnishee. )  
18

19 **FINAL ORDER IN CONTINUING GARNISHMENT**

20 This matter is before the Court for consideration of the entry of a final order in  
21 continuing garnishment pursuant to Section 3205 of the Federal Debt Collection Procedures Act  
22 of 1990, 28 U.S.C. § 3205, against the non-exempt earnings of the judgment defendant,  
23 FRANCISCA S. BARCINAS.

24 An Application of Writ of Continuing Garnishment directed to Garnishee has been duly  
25 issued and served upon the Garnishee. Pursuant to the Writ of Continuing Garnishment, the  
26 Garnishee filed an Answer stating that at the time of the service of the Writ it had in its  
27 possession or under its control personal property belonging to and due defendant, in the form of  
28 earnings.


1 The defendant was served with a copy of the Writ of Continuing Garnishment and  
2 notified of her right to a hearing. The defendant has not requested a hearing to determine exempt  
3 property.

4 Whereupon the Court, having considered the Application for a Writ of Continuing  
5 Garnishment against the earnings of the Defendant, the Answer of the Garnishee, and noting that  
6 the defendant, FRANCISCA S. BARCINAS, has not exercised her right to request a hearing  
7 now finds that the entry of a final order of continuing garnishment is in all respects proper.

8 IT IS THEREFORE ORDERED Garnishee shall pay to plaintiff the lesser of a) 25% for  
9 any workweek, pursuant to 15 U.S.C. § 1673(a), of defendant's disposable earnings or b) the  
10 amount by which defendant's disposable earnings exceed 30 times the federal minimum hourly  
11 wage. "Disposable earnings" are those earnings remaining after deductions of any amount  
12 required by law to be withheld, such as social security and withholding taxes. These payments  
13 shall be made at the same time the employee is paid and shall continue until the debt to the  
14 plaintiff is paid in full or the Garnishee no longer has custody, possession or control of any  
15 property belonging to the debtor or until further Order of this Court. Payments shall be made  
16 payable to the "U.S. Department of Justice" and sent to the U.S. Attorney's Office, Sirena  
17 Plaza, Suite 500, 108 Hernan Cortez Avenue, Hagåtña, Guam 96910.

18 IT IS FURTHER ORDERED that any amounts which the Garnishee may be holding  
19 pursuant to the Writ of Continuing Garnishment shall immediately be turned over to the U.S.  
20 Attorney's Office at the above address.

21 DATED this 18<sup>TH</sup> day of OCTOBER, 2007.

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23  
24   
25 ALEX R. MUNSON  
26 Chief Judge  
27 U.S. District Court for the Northern  
28 Mariana Islands